

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10581 NMG

YVETTE LOCKHART-BEMBERY,	)
Plaintiff	)
VS.	)
	)
TOWN OF WAYLAND POLICE DEPARTMENT	)
And	)
DANIEL SAURO	)
Defendants	)

**DEFENDANT DANIEL SAURO'S MEMORANDUM IN OPPOSITION TO  
PLAINTIFF'S MOTION TO SET ASIDE THE VERDICT AS INCONSISTENT OR  
FOR A NEW TRIAL AS TO DAMAGES**

Now comes the Defendant, Daniel Sauro (hereinafter "Sauro"), and hereby opposes the plaintiff's motion to set aside the verdict as inconsistent or for a new trial as to damages.

In support thereof, the defendant states that he has previously filed a motion for entry of judgment notwithstanding the verdict, or, in the alternative, for a new trial which more fully sets forth his position as to the appropriate reasons to set aside the verdict in this case (and, which is hereby incorporated by reference).

**Background**

The plaintiff brought an action against Sauro and the Town of Wayland Police Department in connection with injuries she suffered on February 6, 2002. The plaintiff alleged that the actions of Sauro constituted an unconstitutional seizure and detainment, constituted a violation of her due process rights,

constituted a state created danger, which caused harm to her, and otherwise constituted violations of her civil rights. The plaintiff also alleged that she suffered physical injuries and monetary and other damages as a direct and proximate result of Sauro's negligence. After trial, a jury returned a verdict on February 2, 2006 against Sauro solely on the plaintiff's claim that Sauro intentionally or recklessly violated her civil rights. The jury initially awarded **no** damages (\$0) and then returned, after further instruction from the Court, with an award one (\$1) dollar.

### **Argument**

As set forth more fully in his motion for entry of judgment notwithstanding the verdict, or, in the alternative, for a new trial, the Defendant Sauro is entitled to Judgment Notwithstanding The Verdict on the Violation of Civil Rights claim as the plaintiff failed to introduce sufficient evidence that any constitutionally protected right was violated or interfered with by the actions of Sauro.

The Defendant Sauro states that if the Court allows any motion to set aside the verdict it should do so on the grounds that on the violation of civil rights claim the plaintiff failed to introduce sufficient evidence that any constitutionally protected right was violated or interfered with by the actions of Sauro, as is required to establish a violation of 42 U.S.C. § 1983.

The plaintiff's motion to set aside the verdict as inconsistent or for a new trial as to damages is nothing more than a futile attempt to get more money as she is dissatisfied with verdict.

**Conclusion**

For all of the foregoing reasons, the defendant respectfully requests that this Honorable Court deny the plaintiff's motion to set aside the verdict as inconsistent or for a new trial as to damages.

Respectfully submitted,  
The Defendants,  
By their attorneys,

/s/ Jeremy

Silverfine

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